

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 2:16cr23

FERNANDO COPELAND

Defendant.

**POSITION OF THE DEFENDANT, FERNANDO COPELAND
WITH RESPECT TO SENTENCING FACTORS**

COMES NOW the defendant, Fernando Copeland, by counsel, and states as follows for his position on sentencing:

The Defendant and counsel have reviewed the pre-sentence report. There are no objections to the factual content or advisory sentencing guidelines as set forth in the pre-sentence report.

The defense contends that a sentence below the low end of the advisory guidelines is appropriate in this case. The Defendant is 56 years old and thus a sentence of 120 months would mean that he would be in custody until he is approximately 65 years old. The Defendant's advisory guideline range of 188-235 months is based in large part on his designation as a career offender due to two prior non-violent drug offenses occurring in 1989 (PSR, #32) and 1995 (PSR #34). These two offenses increased the advisory guideline range from 151 to 188 to 188 to 235 months.

It is also important to note that the controlled substance in this case is

marijuana which is legal or decriminalized in numerous jurisdictions across the country. While the federal government continues to adopt the position that marijuana is a dangerous drug of abuse, that stance has been rejected by numerous states and the national trend is toward legalization and decriminalization. The Court should consider this when weighing the factor of the seriousness of the offense.

The Defendant fully cooperated with the authorities immediately upon his arrest and did so without the benefit of counsel. His cooperation has assisted authorities in the local area and in other jurisdictions. This cooperation by the Defendant is relevant to the factors of acceptance of responsibility and respect for the law. The Defendant's cooperation included providing information against members of his own family.

The Defendant's personal history and background are fully set forth in the pre-sentence report. With regard to his criminal record, it is important to note that his last drug offense occurred approximately 20 years ago. The failure to register offense that is set forth in paragraph 36 of the pre-sentence report resulted from the Defendant residing temporarily in Pennsylvania while doing construction work and was as the result of a conviction he had 34 years ago. The most recent recent event that weighs heavily in the Defendant's favor is set forth in paragraph 53 of the pre-sentence report which details the Defendant's selfless action to save the life a fellow inmate while in custody. The Court should also note that the Defendant grew

up in an environment where he and his family members were the victims of abuse. (PSR #48). The Defendant has apparently never received any treatment or counseling to address the abuse he witnessed and was a victim of.

The defense suggests that a sentence of 120 months is sufficient but not greater than necessary to address all the §3553 factors and will present additional information and argument in support of this request at the sentencing.

Respectfully submitted,

FERNANDO COPELAND

/ s /

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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And, I hereby certify that I have mailed the documents by U.S. Mail to the following non-filing user:

Anita G. Powell, Probation Officer
United States Probation
827 Diligence Drive, Suite 210
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/ s /
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